

**WILLIAMSBURG CITY COUNCIL
MINUTES
JULY 10, 2003**

The Williamsburg City Council held its regular meeting on July 10, 2003 at 2:00 p.m. in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Nester, Yost, Serra, and Assistant City Manager Jodi Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

PCR #03-09: Mayor Zeidler announced that City Council received a letter from Mr. Vernon M. Geddy III, attorney for Ditlef Olsen, requesting that the public hearing on this request be rescheduled until the August 14 Council meeting (See Letter Attached). The letter stated the proffers were not ready to be submitted to Council. Council members concurred to defer the public hearing.

Mr. Houghland Moved That City Council Grant the Request to Defer the Public Hearing on PCR #03-09/Ditlef Olsen, Until the August 14, 2003 City Council Meeting, and that the Public Hearing Notice Be Re-advertised for That Same Date. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb.

No: None

COUNCIL MINUTES

Mr. Houghland Moved that City Council Approve the City Council Minutes for the Meetings of June 9 and June 12, 2003. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb.

No: None

SPECIAL PRIVILEGE

Excellence in Service to Williamsburg Award Presented to Michelle Woolson, Finance Department

Mayor Zeidler said she was pleased to present this award because Ms. Woolson, the city's Systems Analyst, was selected and recognized by her peers as being exceptional at her job. Ms. Woolson joined the Mayor at the podium. Mayor Zeidler read the recognition certificate, and presented Ms. Woolson with the certificate and an award plaque (applause).

Ms. Woolson thanked City Council. She said she loves her job and works with great people.

Government Finance Officer Association Recognitions, Phil Serra, Finance Director

Mr. Serra presented City Council with two awards that were given to the City of Williamsburg: the Certificate of Achievement for Excellence in Financial Reporting for 2002 (the city's seventeenth award) and the Distinguished Budget Presentation Award for 2002 (the city's tenth). He thanked Council, Mr. Tuttle, Ms. Miller, and his staff for their work on the budget document.

Mayor Zeidler thanked Mr. Serra for this recognition of the work that the city does. It is an honor to be recognized.

PUBLIC HEARINGS

Application of Colonial Transportation, LLC, Trading as Colonial Cabs of Williamsburg, for a Certificate of Public Convenience and Necessity, to Operate a Williamsburg Taxi Service (six vehicles).

Reference for this item was Mr. Tuttle's report dated July 1, 2003. Mr. Tuttle said that the city has received an application from Mr. Hamad Juma for a Certificate of Public Convenience and Necessity to operate a taxi service in the name of "Colonial Cabs of Williamsburg." There would be a total of six vehicles. This is the second request in the last two months for a new taxi service in the city.

As required by the City Code, this public hearing has been noticed in the newspaper. Mr. Juma's additional six taxis would bring the total up to 22 permitted taxis in the city. Mr. Juma has met the Code requirements by providing a Certificate of Insurance, his DMV Permit, color and design information for the vehicles, and the registration of his trade name. If Council approves the request, the Police Department will inspect the cabs for safety and meter calibration.

Mr. Tuttle recommended that Council approve the request unless information is received during the public hearing that would cause Council to deny or modify the request, and further, that Council not approve any additional certificates for the remainder of the year in order to observe the taxicab market place.

Mayor Zeidler opened the public hearing.

Mr. Hamad Juma, the applicant, said he was looking forward to serving the community and will work with existing cab companies to fill the transportation needs of the community. He thanked Council for their consideration and would appreciate favorable approval.

No one else wished to speak.
The public hearing was closed.

Mr. Haulman commented that the transportation area was one where the city has destructive competition. The market will decide how it works to have 28 certificates.

Mr. Haulman Moved That City Council Approve a Certificate of Public Convenience and Necessity for Colonial Transportation, LLC to Operate as "Colonial Cabs of Williamsburg," With Six Vehicles, and Further, that Council Not Approve Any Additional Certificates for the Remainder of Calendar 2003 in Order to Observe the Operation of the Market Place with a Total of 28 Certificates Outstanding. The Motion Was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb.

No: None

PCR #03-09: Request of Ditlef Olsen to Rezone Approximately 3.35 acres of Land Located at 222 Parkway Drive and 300 Third Street from B-3 General Business District to RM-2 Multi-Family Dwelling District. It is Proposed to Construct a Three-story Condominium Building. (Note: A letter was received from the applicant dated July 9, requesting that this matter be rescheduled for the August 14 meeting.)

(Public Hearing Rescheduled for August 14. See Above.)

REPORTS

Monthly Financial Statement

The Monthly Financial Reports were received and ordered filed.

Mr. Tuttle noted that Room Tax and Meal Tax revenues will not make budget, but he expects other local taxes will make up for those. He noted that the Richmond Road Paving Project will be done in September, and the funds for the project will be held over into this new budget year. Total revenues will meet budget predictions for the year and the city budget will end up in the "black." Budget projections for the coming year could need adjustment at a later date, possibly after the critical November/December timeframe.

Mr. Houghland said this was disappointing, but hopes the situation will improve. Mr. Scruggs said that the Hotel/Motel Association reports a decrease in bookings. The average room night stay has increased, but the overall occupancy rate is still low.

Mr. Haulman suggested that because the Room and Meal Revenues are not as estimated, Council might want to look at alternative sources of revenue at their next retreat. This situation could reflect a shift in revenue streams. Mayor Zeidler commented that the city's possible sources of revenue are limited by the State. The city recently passed some additional taxes, such as the cigarette tax, but did not anticipate that Room and Meal would not make budget.

Monthly Departmental Operating Reports

The Monthly Department Reports were received and ordered filed.

City Manager Reports

Annual Report to Consumers on Water Quality for Year 2002

Reference for this item was Mr. Tuttle's report dated July 3, 2003, which included the "Report to Consumers on Water Quality for Year 2002." Mr. Tuttle said that the city is required by the Federal government to send this report to its customers. Staff believed it would be good to review the essentials of the report with Council.

Mr. Clayton introduced the Water Plant Superintendent Joe Wenger and Chief Operator Jonathan Kellum.

Mr. Clayton said that the Safe Drinking Water Act of 1996 requires that consumers receive an annual report about where their water comes from. The report addresses the source of water, treatment methods, results of testing, and a description of risks that the treatment and testing are designed to prevent. Mr. Clayton gave an overview of the report and said that the water is tested for 160 parameters. He reviewed the testing, including the ranges of inorganic, microbiological, radioactive, volatile organic, and unregulated organic substances. The city's water was in compliance with all Virginia Department of Health and Environmental Protection Agency Regulations during 2002.

Mr. Clayton replied to the Mayor that the taste of the city's water has been altered because of having to purchase different water from the City of Newport News. He also informed Council that the water level at the reservoir reserve was steadily dropping and water no longer flowed over the spillway, but he was not concerned.

Mr. Scruggs appreciated the hard work that goes into making good healthy water. At Mr. Haulman's request, Mr. Wenger reviewed the water sampling process and schedules.

Mayor Zeidler noted that the city is proud of its water system and plant. Each year the city consistently receives good reports. Mr. Scruggs and Mr. Clayton discussed how development affects the quality of our watershed.

Mayor Zeidler thanked Mr. Clayton, Mr. Wenger, and Mr. Kellum for their work every day.

Location of Treyburn Drive, *Proposed Resolution #03-11*

Council members received a copy of the proposed resolution. Mr. Tuttle explained that the city was willing to hold a public hearing or hold a meeting with interested parties on the location of Treyburn Drive. It is important to locate the general alignment of the road before the design phase begins. He explained the proposed Alignment A and Alignment B routes. Alignment A was the preferred route; Alignment B was not supported because it was more expensive and contained more wetlands. The next step is for Council to approve the general location by adopting the proposed resolution. A copy will be forwarded to VDOT.

Mr. Haulman Moved That City Council Approve Resolution #03-11, Treyburn Drive Location. The Motion Was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb.

No: None (SEE ATTACHED ADOPTED RESOLUTION #03-11)

City Attorney Reports

Amendments to City Code:

False Alarms, *Proposed Ordinance #03-16*

Fighting Animals, *Proposed Ordinance #03-17*

Pulling Down of Fences, *Proposed Ordinance #03-18*

Reference for this item was Mr. Phillips report dated July 2, 2003, which included copies of the proposed ordinances. Mr. Phillips explained the three ordinances would bring the penalties for violations of city ordinances in line with State Statutes. He reviewed Proposed Ordinances #03-16, #03-17, and #03-18 and recommended Council enact them. If Council chooses to do so, they could leave the penalty for false alarms as is.

Mr. Haulman Moved That City Council Adopt Proposed Ordinance #03-16, An Ordinance to Amend Section 3.1-16 of Chapter 3.1, Article III, Division 3 of the Williamsburg Code to Prohibiting Deliberate False Alarms; and

Proposed Ordinance #03-17, An Ordinance to Amend Section 4-8 of Chapter 4, Article I, of the Williamsburg Code Prohibiting Fighting Cocks, Dogs, and Other Animals; and

Proposed Ordinance #03-18, An Ordinance to Amend Section 10-43 of Chapter 10, Article III, of the Williamsburg Code Prohibiting the Pulling Down of Fences. The Motion was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb.

No: None (SEE ATTACHED ADOPTED ORDINANCES #03-14, #03-15, AND #03-16)

Quit Claim Deed, Haynes Drive

Reference for this item was Mr. Phillips report dated July 3, 2003, and a copy of the Boundary Line Agreement prepared by the attorneys of the Haynes and Fisher Estates. Mr. Phillips explained that in order to clear the title to Lot 6 located at the cul-de-sac on Haynes Drive, the owners have requested the city quit claim any interest in the lot. In return, the owners of Lot 6 will grant to the city a permanent easement for ingress, drainage, utility and road maintenance within the easement area as indicated on the plat, which accompanies the agreement. In his opinion the city has no claim to the portion of the platted cul-de-sac that extends upon Lot 6 except for the small paved area, and he recommended that the city grant the request in consideration of the easement granted in the Agreement.

Mr. Tabb Moved That City Council Approve the Requested Quit Claim Deed and Boundary Line Agreement Between Alton V. Dail, Jr., Sue Dail Ehmig and Ann Dail Hanson, Linda F. Schmidt and Timothy E. Fisher (sole heirs of Thomas E. Fisher, deceased), and the City of Williamsburg. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb.

No: None

Purchase Contract for Pittman Property, 1440 Richmond Road, *Proposed Resolution #03-12*

Reference for this item is Mr. Phillips report dated July 2, 2003, and a copy of the purchase contract. Mr. Phillips explained that this property is the site of the present Williamsburg Chrysler, Jeep and Kia dealership. The purchase is necessary to acquire land to access Treyburn Drive from Richmond Road, as in the agreement with Creston Corporation. Mr.

Phillips reviewed the purchase arrangement and said that the price of the property is \$1,800,000. The proposed resolution authorizes the City Manager to execute the contract, the promissory note, and sign the necessary settlement documents. Closing is scheduled for the last day of July.

Mayor Zeidler thanked Mr. Phillips for the months of detailed work he has done on this purchase.

Mr. Haulman Moved that City Council Approve Proposed Resolution #03-12, Pittman Contract. The Motion was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb.

No: None (SEE ADOPTED RESOLUTION #03-12)

Purchase Contract for Legge Property, Proposed Resolution #03-13

City Council members received a copy of Resolution #03-13. Mr. Phillips explained that this property is the undeveloped land that is part of the Governor Spotswood Motel property. The city needs to acquire this land to access the High Street property. The purchase price is \$175,385.62, in cash at closing. Closing will take place within the next several months. Resolution #03-13 authorizes the City Manager execute the contract. Alternate Resolution #03-13 includes the additional provision that the City Manager is further authorized to make minor necessary modifications as approved by the City Attorney

Mr. Houghland Moved Approval of Proposed Alternate Resolution #03-13, Legge Contract. The Motion Was Seconded by Mr. Tabb.

Mr. Tuttle explained how the Pittman, Legge, and Carolyn Court property purchases play a part in the High Street development, the business impact, and redevelopment plans for the properties. Mayor Zeidler added that the property will not be held by the city, but resold to the High Street developer.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb.

No: None (SEE ADOPTED RESOLUTION #03-13)

UNFINISHED BUSINESS

Appointments to Boards and Commissions

Mr. Houghland moved that City Council Appoint:

Mr. Robert J. Bond to the Regional Issues Committee to fill the unexpired term of Mr. David Schultz, to expire December 31, 2004, effective September 1, 2003; and

Mr. John Tarley, Jr., to the Industrial Development Authority, to fill the unexpired term of Mr. Joseph Potter, to expire on June 8, 2004, effective immediately.

Open Forum

Ms. Emma R. Tate, 308 Cary Street, accompanied by senior citizens, addressed Council members regarding the new property assessments. Many of the people here today are seniors on a fixed income. Medical Insurance is increasing, prescription drugs are increasing, electric bills are increasing and investments are declining. Her assessment increased substantially, and this does not help the quality of life. She appreciated the opportunity to express her opinion.

Mr. Bill Dell, 322 Indian Springs Road, addressed Council regarding his concerns about the College's Master Plan and its impact on Jamestown Road. He read his statement to Council and presented a copy to the Clerk for the record (See Attached).

No one else wished to speak. The session was closed.

CLOSED SESSION

Mr. Houghland Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing two personnel matters per subparagraph 1 concerning appointments to Boards and Commissions and personnel evaluation. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Tabb, Houghland

No: None

The meeting adjourned at 4:12 p.m. (Mayor Zeidler called a five-minute recess.)

At 4:44 p.m., Council met in Open Session.

Mr. Houghland Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Zeidler, Scruggs, Tabb, Houghland

No: None

CERTIFICATION OF CLOSED MEETING

Date: July 10, 2003

Motion: Mr. Houghland Second: Mr. Tabb

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Haulman, Scruggs, Zeidler, Tabb, Houghland

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 4:45 p.m.

Approved: August 14, 2003

Shelia Y. Crist
Clerk of Council

Jenane Zeidler
Mayor